

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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<b>HERBERT N. JACKSON,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>No. 13-2672-STA-dkv</b>
	)	
<b>CHEDDAR’S RESTAURANT,</b>	)	
	)	
<b>Defendant.</b>	)	

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**ORDER ADOPTING THE MAGISTRATE JUDGE’S REPORT AND  
RECOMMENDATION OF *SUA SPONTE* DISMISSAL AND ISSUANCE OF SERVICE  
OF PROCESS**

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On August 29, 2013, Plaintiff Herbert N. Jackson (“Plaintiff”) filed a *pro se* Complaint (D.E. #1) against Cheddar’s Restaurant (“Cheddars”), alleging discrimination on the basis of religion and age. On August 29, 2013, the Court issued an Order (D.E. # 5) granting leave for Plaintiff to proceed *in forma pauperis*. On August 29, 2013, the case was referred to Magistrate Judge Diane K. Vescovo for case management and all pretrial matters for determination and/or report and recommendation as appropriate.

The Magistrate Judge made a *sua sponte* review of plaintiff’s Complaint to determine whether the complaint should be dismissed because it is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief pursuant to 28 U.S.C. § 1915(e)(2)(B). On October 16, 2013, the Magistrate Judge entered a Report & Recommendation (D.E. # 7), recommending that Plaintiff’s

age discrimination claim be dismissed for failure to state a claim upon which relief can be granted and that the Clerk be directed to issue process for Defendant on Plaintiff's Title VII religion discrimination claim.

The parties have not filed objections to the Report and Recommendation. The Court hereby adopts the Magistrate Judge's Report and Recommendation pursuant to Fed. R. Civ. P. 72(b)(3). Consistent with the Report and Recommendation, Plaintiff's age discrimination claim is **DISMISSED**. The Clerk is directed to issue process for Defendant on Plaintiff's religion discrimination claim under Title VII and to deliver process to the marshal for service. Service shall be made on Defendant pursuant to Federal Rule of Civil Procedure 4(h)(1). All costs of service shall be advanced by the United States. Additionally, Plaintiff is **ORDERED** to serve a copy of every document filed in this case on the attorney for Defendant, to make a certificate of service on every document filed, to familiarize himself with the Federal Rules of Civil Procedure and this Court's local rules, and to promptly notify the Clerk of any change of address or extended absence. Any failure to comply with these requirements or any other order of the Court may result in the dismissal of his case.

**IT IS SO ORDERED.**

**s/ S. Thomas Anderson**  
S. THOMAS ANDERSON  
UNITED STATES DISTRICT JUDGE

Date: November 6, 2013.